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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDREW LOPEZ,)	CIVIL NO. 03-00011 DAE LEK
)	
Plaintiff,)	DEFENDANT'S SECOND MOTION FOR
)	SUMMARY JUDGMENT; MEMORANDUM
vs.)	IN SUPPORT OF DEFENDANT'S
)	SECOND MOTION FOR SUMMARY
JOHN ASHCROFT, in his)	JUDGMENT; DECLARATION OF
capacity as the Attorney)	CARMEN EVERETT; EXHIBITS "1"-
General,)	"6"; CERTIFICATE OF SERVICE
)	
Defendant.)	JUDGE: DAVID A. EZRA
)	

DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant Alberto R. Gonzales, the Attorney General of the United States (substituting for former Attorney General John Ashcroft), by and through the undersigned United States Attorney, moves this Court for summary judgment on plaintiff's allegations found at paragraph 11(d) of his complaint, in which Mr. Lopez alleges that defendant's employees discriminated against

plaintiff on the basis of his race, national origin, and creating a hostile work environment in retaliation for plaintiff's two formal EEO claims. This specific claim is the last remaining cause of action, subsequent to the Court's Order of April 20, 2006. The grounds for this motion are set forth in the attached memorandum in support.

DATED: May 9, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Harry Yee

By _____
HARRY YEE
Assistant U.S. Attorney

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

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Andrew Lopez

DATED: May 9, 2006, at Honolulu, Hawaii.

/s/ Jan Yoneda
